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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PAUL JEFFREY VOLL, an individual,

Plaintiff,

vs.

UNITED STATES OF AMERICA, DAVID N.
KARPEL, individually, DOES 1 through 100;
and ROES 1 through 100; inclusive,

Defendants.

CASE NO.: 2:22-cv-00610-JCM-BNW

**STIPULATION TO EXTEND DEADLINE
TO RESPOND TO DEFENDANT USA'S
MOTION TO DISMISS [ECF NO. 13]**

(Seventh Request)

NOW COME the Plaintiff, PAUL JEFFREY VOLL ("Plaintiff"), by and through his attorneys, Melanie A. Hill and Melanie Hill Law PLLC, and the Defendants, UNITED STATES OF AMERICA and DAVID N. KARPEL, by and through their attorney Jacob A. Bennett, who hereby stipulate that the deadlines for Plaintiff to respond to Defendant USA's Motion to Dismiss [ECF No. 13] and Defendant USA's deadline to reply to Plaintiff's responsive filing be extended pursuant to Local Rule IA 6-1.¹

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¹ The parties are not requesting an extension of Plaintiff Voll's deadline to respond to Defendant Karpel's Motion to Dismiss [ECF No. 12] due to the recent filing of a stipulation to dismiss Defendant Karpel from this case on March 27, 2023 [ECF No. 25] that remains pending before the Court. When Defendant Karpel is terminated from the case due to the voluntary dismissal, Karpel's Motion to Dismiss should be denied as moot.

1 This is the parties' seventh request for an extension of deadlines. The parties originally filed a
2 stipulation [ECF No. 10] that extended Defendant United States' response deadline to align with
3 Defendant Karpel's deadline. That stipulation would have also extended Plaintiff's deadline to respond
4 to the instant Motions to Dismiss. However, the Court only granted Defendants' extension to respond
5 to the Complaint and denied the request to extend the briefing schedule without prejudice. *See* Order
6 [ECF No. 11]. The Court then instructed the parties to file a separate stipulation extending Plaintiff's
7 deadline to respond to Defendants' Motions to Dismiss to be heard by the District Judge. *Id.* That
8 stipulation was filed and granted. In support of this Stipulation and request, the parties state as follows:

9 1. Defendants USA and Karpel filed their Motions to Dismiss on October 7, 2022 [ECF
10 Nos. 12 and 13].

11 2. The parties recently stipulated to extend Plaintiff's deadline to oppose the Motions to
12 Dismiss to March 29, 2023 to allow counsel for Plaintiff to evaluate the claims against individual
13 defendant David N. Karpel who filed a Motion to Dismiss the claims against him individually under
14 *Bivens* with a further agreement that if the claims against Defendant Karpel was dismissed, counsel
15 for Voll would have an additional two months to amend Voll's complaint and/or oppose the United
16 States' Motion to Dismiss [ECF No. 13] after obtaining and reviewing the previously protected
17 discovery in an organized format from the Trial Group 1 defendants.

18 3. The parties also previously stipulated to extend the response deadlines to allow counsel
19 for Plaintiff to file a motion to be added to the Protective Order in place in the underlying criminal
20 case so that Plaintiff could share the criminal discovery with Plaintiff's counsel. The discovery is
21 necessary to further plead the complaint in this case in response to arguments made in the currently
22 pending Motion to Dismiss filed by Defendant United States of America.

23 4. Prior to filing the prior stipulations and the motion, counsel for Plaintiff also conferred
24 with the local U.S. Attorneys' office regarding the same. Counsel determined that a motion would be
25 necessary to allow counsel for Plaintiff to be added to the Protective Order in the underlying criminal
26 case so that discovery may be reviewed by counsel for Plaintiff and used to further plead the complaint
27 in this case.

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1 5. On November 18, 2022, Plaintiff's counsel filed a Motion to Be Added to the Protective
2 Order in the Underlying Criminal Case [ECF No. 17] in this case. The Motion was denied without
3 prejudice by Magistrate Judge Weksler on November 23, 2022 [ECF No. 19] stating: "The parties in
4 this case may file a joint request for a Protective Order regarding the discovery that Plaintiff in this
5 case will obtain from the Government." *See* ECF No. 19.

6 6. The parties further conferred on Plaintiff's counsel's filing of the Motion to Be Added
7 to the Protective Order in the underlying criminal case, case number 2:16-cr-00265-GMN-NJK.

8 7. On January 25, 2023, Plaintiff's counsel filed the Motion to Be Added to the Protective
9 Order in the criminal case [ECF No. 2296 in 2:16-cr-00265-GMN-NJK].

10 8. On January 31, 2023, Magistrate Judge Koppe ordered the United States to file a
11 response indicating its position on Defendants' motion no later than February 6, 2023 [ECF No. 2297
12 in 2:16-cr-00265-GMN-NJK].

13 9. On February 2, 2023, the United States filed its response indicating that it did not oppose
14 the Motion [ECF No. 2298 in 2:16-cr-00265-GMN-NJK].

15 10. On February 2, 2023, Magistrate Judge Koppe granted Plaintiff's counsel's Motion to
16 Be Added to the Protective Order in the criminal case [ECF No. 2299 in 2:16-cr-00265-GMN-NJK].

17 11. Since the entry of the Order Adding Plaintiff's Counsel to the Protective Order,
18 Plaintiff's counsel has been attempting to get all of the underlying criminal discovery in an organized
19 fashion from the Trial Group 1 defendants through their prior counsel and is still awaiting receipt of
20 the discovery. Plaintiff Voll also provided unindexed discovery to Plaintiff's counsel.

21 12. Since the entry of the Order, Plaintiff's counsel was also preparing for and in trial in a
22 civil case that started on February 27, 2023 that was anticipated to last six to seven weeks. The case
23 settled during trial.

24 13. On March 27, 2023, the parties filed a stipulation to dismiss Defendant Karpel from this
25 case. The stipulation is currently pending before the Court.

26 14. To allow time for Plaintiff's counsel to obtain and review the underlying criminal
27 discovery for purposes of prosecuting this civil case and further responding to the remaining pending
28 Motion to Dismiss [ECF No. 13] and/or filing an Amended Complaint in light of the delay in getting

1 the discovery and her trial preparation, the parties have stipulated to extend Plaintiff's response deadline
2 to the USA's Motion to Dismiss [ECF No. 13] to June 5, 2023. The parties have further stipulated to
3 allow Defendant USA until July 12, 2023 to file its response to Plaintiff's filing.

4 15. This Request for an extension of time is not sought for any improper purpose or other
5 purpose of delay. Rather, it is sought by the parties solely to allow sufficient time for Plaintiff's counsel
6 to review the underlying criminal discovery for purposes of prosecuting this civil case and further
7 responding to the remaining pending Motion to Dismiss and/or filing an Amended Complaint
8 considering the delay in getting the discovery, Plaintiff's counsel's recent trial preparation and trial
9 schedule over the last few months, and the recently filed voluntary dismissal of Defendant David N.
10 Karpel [ECF No. 25] on March 27, 2023.

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1 WHEREFORE, the parties respectfully request that the Court extend the deadlines as stipulated
2 to herein.

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4 DATED this 28th day of March, 2023.
5
6 BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

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8 C. SALVATORE D'ALESSIO, JR.
Director
Torts Branch, Civil Division

9
10 ANDREA W. MCCARTHY
Acting Assistant Director
Torts Branch, Civil Division

DATED 28th day of March, 2023.

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12 /s/ Jacob A Bennett
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17 *Attorneys for Defendants the United States of*
18 *America and David Karpel*

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22 **IT IS SO ORDERED.**

23
24 March 31, 2023

DATE


UNITED STATES DISTRICT JUDGE